## UNITED STATES DISTRICT COURT DISTRICT OF SOUTH DAKOTA SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CIV19-4052

Plaintiff,

CIVIL FORFEITURE
COMPLAINT IN REM

VS.

\$10,000 SEIZED FROM WELLS FARGO BANK ACCOUNT #XXXXXX5434, IN THE NAME OF RAGS4LESS, LLC.,

Defendant.

Plaintiff, United States of America, by its attorneys, Ronald A. Parsons, Jr., United States Attorney for the District of South Dakota, and Stephanie C. Bengford, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions:

#### NATURE OF THE ACTION

1. This is an action in rem to forfeit and condemn to the use and benefit of the United States of America the defendant properties described below in connection with violations of 18 U.S.C. §§ 981(a) and (b) and 21 U.S.C. §§ 881(a) and (b) concerning violations of 18 U.S.C. § 1956¹ and 21 U.S.C. §

<sup>&</sup>lt;sup>1</sup> See 18 U.S.C. § 1956(c)(7) defining a specified unlawful activity to include 18 U.S.C. § 1961(1). 18 U.S.C. § 1956(c)(7)(A). 18 U.S.C. § 1961(1)(D) lists the "felonious manufacture, importation, receiving, concealment, buying, selling or

841. The properties are subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (C), 981(b); and 21 U.S.C. §§ 853(a)(1), 881(a)(6), 881(b) and 28 U.S.C. § 2461(a).

#### **DEFENDANT PROPERTY**

2. The following property is subject to forfeiture: Funds in the approximate amount of \$10,000.00 seized on or about May 21, 2018, from Wells Fargo Bank, Account No. XXXXXX5434, with the bank account in the name of "Rags4Less, LLC" and are currently held by the Department of Treasury in the Treasury Suspense Account.

### **JURISDICTION AND VENUE**

- 3. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action under 21 U.S.C. § 881(a).
- 4. This Court has in rem jurisdiction over the defendant property under 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.
- 5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because the acts or omissions giving rise to the forfeiture occurred in this district; pursuant to 21 U.S.C. § 881(j) because this action is in the judicial district where a defendant owning the property is found or judicial district in

otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States."

which the criminal prosecution is brought; and pursuant to 28 U.S.C. § 1395 because the cause of action accrued in this district or a defendant is found in this district.

### BASIS FOR FORFEITURE

6. The defendant property is subject to forfeiture pursuant to the following: Pursuant to 21 U.S.C. § 881(a)(6) because it constitutes 1) monies furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act, 2) proceeds traceable to such an exchange, or 3) money used or intended to be used to facilitate a violation of the Controlled Substances Act. It is also subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (C) because it constitutes property involved in a transaction or an attempted transaction in violation of 18 U.S.C. §§ 1956(a), (h) or property traceable to such property or because it constituted or is derived from proceeds of a violation of 21 U.S. C. §§ 813, 841 or 846.

#### **FACTS**

7. The facts in support of this forfeiture action are set out in the Affidavit of Corey Vickery, Special Agent with the Internal Revenue Service, Criminal Investigation Division (IRS-CID), attached hereto as Exhibit A and incorporated herein by reference.

#### **CLAIM FOR RELIEF**

WHEREFORE, the United States prays that the Court order that the defendant property be forfeited to the United States, that the Court award the

United States costs and disbursements in this action, and that the Court award such other and further relief as this Court deems proper and just.

Dated this 4th day of March, 2019.

RONALD A. PARSONS, JR.

United States Attorney

STEPHANIE C. BENGFORD Assistant U.S. Attorney

PO Box 2638

Sioux Falls, SD 57101-2638

Phone: 605.357.2341

Stephanie.Bengford@usdoj.gov

#### VERIFICATION

I, Special Agent Corey Vickery, hereby verify and declare under penalty of perjury that I am a Special Agent with the Internal Revenue Service, Criminal Investigation Division (IRS-CID), that I have read the foregoing Verified Complaint *in rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent of the IRS-CID.

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I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated the 4th day of March, 2019.

Corey Vickery, Special Agent Internal Revenue Service

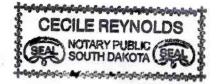
Criminal Investigation Division

Subscribed and sworn to before me this

4 day of March, 2019.

Notary Public \*South Dakota

My Commission expires: 9-2-20



JS 44 (Rev. 02/19)

# **CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil decket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

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(b) County of Residence of First Listed Plaintiff  (EXCEPT IN U.S. PLAINTIFF CASES)  (c) Attorneys (Firm Name, Address, and Telephone Number)				County of Residence of First Listed Defendant Dallas  (IN U.S. PLAINTIFF CASES ONLY)  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.  Attorneys (If Known)																	
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